



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference N.89468A SLS/m		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/GB2004/003380		International filing date (day/month/year) 04.08.2004		Priority date (day/month/year) 06.08.2003
International Patent Classification (IPC) or national classification and IPC B65B1/08, B65B1/22				
Applicant MERIDICA LIMITED et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 16.02.2005		Date of completion of this report 02.08.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Vigilante, M Telephone No. +31 70 340-2902 		

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**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/003380

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-17 as originally filed

Claims, Numbers

1-21 as originally filed

Drawings, Sheets

15-55 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
 4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/003380

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6,9-13,15
	No: Claims	1-5,7,8,14,16-21
Inventive step (IS)	Yes: Claims	6,9,11,12,15
	No: Claims	1-5,7,8,10,13,14,16-21
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V.

- 1 The following documents are referred to in this communication:

D1 : WO 97/05018 A (GLAXO GROUP LTD ; BONNEY STANLEY GEORGE (GB);
WILSON ALAN ANTHONY (GB)) 13 February 1997 (1997-02-13)
D2 : US 3 306 323 A (THEODORE ARONSON) 28 February 1967 (1967-02-28)
D3 : EP 1 055 601 A (RICOH KK) 29 November 2000 (2000-11-29)

2 **INDEPENDENT CLAIM 1**

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document):
a method of filling with powder (15) a container (12) having an open end, the method including: positioning an outlet (14) of a hopper (11) containing powder (15) above the open end of the container (12); mechanically agitating the hopper so as to cause powder to be transferred from the hopper to the container; and mechanically agitating the container; wherein the steps of mechanically agitating are conducted by at least a predetermined amount sufficient to ensure that the container is filled with powder at a predetermined density.

Thus D1 shows all the features of claim 1. Claim 1 defines broadly the agitating steps and gives results to be achieved rather than expressly indicate how the predetermined density is controlled.

- 2.2 Similarly also Document D2 discloses (see passages cited in the International Search Report) all the features of claim 1.

- 2.3 Similarly also Document D3 discloses (see passages cited in the International Search Report) all the features of claim 1.

3 **INDEPENDENT CLAIM 20**

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 20 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parenthesis applying to this document): a method of simultaneously filling with powder (15) a plurality of containers (12) having respective open ends, the method including: providing a hopper (11) having a plurality of outlets positioning the plurality of outlets above corresponding open ends of the containers (12).

The simultaneous conducting of this method with the method of claim 1 it is not understood as a limitation of the claim

4 INDEPENDENT CLAIM 21

- 4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 21 is not new in the sense of Article 33(2) PCT.
Document D2 discloses (the references in parenthesis applying to this document): an apparatus (20) for filling with powder a container (34) having an open end, the apparatus including: a support (31) for the container (34); a hopper (42) having an outlet and being selectively moveable relative to the support to position the outlet above the open end of a supported container (34); a dispenser (46) for mechanically agitating the hopper (42) and container (34) so as to cause powder to be transferred from the hopper to the container; and a controller (53a,53b,56,57,62) for operating the dispenser by at least a predetermined amount sufficient to ensure that powder in the container reaches a predetermined density.

Thus D2 shows all the features of claim 21.

5 DEPENDENT CLAIMS 2-5, 7, 8 10, 13, 14, 16-19

Dependent claims 2-5, 7, 8, 10, 13, 14, 16-19 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).